

# Order

Michigan Supreme Court  
Lansing, Michigan

October 20, 2006

Clifford W. Taylor,  
Chief Justice

131386

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

SC: 131386  
COA: 259296  
Oakland CC: 04-194900-FC

DAVID RICHARD COMMAND,  
Defendant-Appellee.

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On order of the Court, the application for leave to appeal the May 9, 2006 judgment of the Court of Appeals is considered. Pursuant to MCR 7.302(G)(1), and for the reasons stated in the Court of Appeals partially dissenting opinion, we REVERSE only that portion of the Court of Appeals judgment that precluded on retrial evidence that the defendant had previously committed a non-consensual sexual penetration of a prior complainant.

CAVANAGH and KELLY, JJ., would deny leave to appeal.



d10017

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 20, 2006

*Corbin R. Davis*

Clerk